



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

MAY 24 2012

REPLY TO THE ATTENTION OF:

E-19J

Norman Stoner, P.E.
Division Administrator
Federal Highway Administration
3250 Executive Park Drive
Springfield, Illinois 62703

Re: **Comments on the Draft Environmental Impact Statement for the Tier 2
Elgin O'Hare-West Bypass, Cook and DuPage Counties, IL, CEQ# 20120088**

Dear Mr. Stoner:

In accordance with Section 309 of the Clean Air Act and the National Environmental Policy Act (NEPA), the U.S. Environmental Protection Agency (EPA) has reviewed the proposed Draft Environmental Impact Statement (DEIS) for the Tier 2 Elgin O'Hare-West Bypass, in Cook and DuPage Counties, Illinois.

EPA participated in the Tier 1 NEPA process for this project, and extensively on this Tier 2 development through the merged NEPA / Clean Water Act Section 404 (NEPA / 404) process. We are a cooperating agency for this project.

A build alternative and a no-build alternative are presented in the DEIS, following considerable public involvement.

EPA rates the Tier 2 DEIS as EC-2, Environmental Concerns - insufficient information. See the attached Summary of Rating Definitions for an explanation of EPA's rating system. Our following comments on Purpose and Need, Alternatives, Environmental Impacts, and Mitigation of Impacts support our rating.

PURPOSE AND NEED

The project retained the Tier I NEPA statement of Purpose and Need. We concurred with the Purpose and Need (P&N) statement for the Tier 2 NEPA proposal on September 8, 2011.

ALTERNATIVES

The Tier 1 study reached consensus on the corridors to be carried into the Tier 2 study. The Tier 2 study has updated the baseline and project horizon traffic data and planning references. These provided the basis for modifying some of the project design and interchange needs. Funding for the proposed routes is a major aspect of the Tier 2 considerations. The range of alternatives to be considered for the project was presented at our merged NEPA/404 meeting and EPA concurred with the Range of Alternatives on October 17, 2011. The preferred alternative presented in the DEIS has all components of the Elgin O'Hare Extension West and the West By-Pass to be funded as tolled facilities through the Illinois Tollway Authority.

ENVIRONMENTAL IMPACTS

Air Quality

The DEIS correctly presents that this project has consulted with EPA in developing its air quality modeling. EPA concurs that the project conforms with the State Implementation Plan (SIP). Although construction dust and particulate matter are temporary air quality concerns, we recommend Best Management Practices (such as water mist) be utilized to reduce these pollutants when possible and when conditions such as windy days warrant. We commend the three Special Provisions that Illinois Department of Transportation (IDOT) commits to for reducing construction diesel emissions: retrofitting off-road construction equipment including repower or engine upgrades, using ultra-low-sulfur fuels for all equipment, and idling restrictions. Although not required by EPA regulations, we recommend additional voluntary measures be considered in an expanded diesel emissions reduction plan, including:

- (a) limiting the age of on-road vehicles in construction projects to 1998 and newer and 1996 and newer for off-road equipment
- (b) diesel particulate traps and oxidation catalysts
- (c) using existing power sources or clean fuel generators rather than temporary power generators
- (d) encouraging the use of off-road equipment that meets the Tier 3 standards.

Wetlands

EPA has participated in a number of NEPA/404 meetings to specifically discuss wetland and other water impacts. Due to Federal Aviation Administration safety requirements regarding bird hazards near airports, the transportation and resource agencies have not yet reached consensus on several related topics. For example, project participants have not yet reached an agreement on the true extent of wetland impacts.

On page 3-171, the DEIS indicates that agencies would prefer "Advanced Mitigation." Although EPA recommends that IDOT considers potential mitigation sites early in the process, EPA would prefer that IDOT not select a mitigation option outside the Clean Water Act Section 404

permitting process. To be consistent with the 2008 Federal Mitigation Rule, IDOT would need to go through the Wetland Mitigation Banking Process as outlined in the Mitigation Rule to pursue "Advanced Mitigation."

The DEIS lists potential sites for emergent "Wetland Creation" opportunities. Please note that wetland restoration is more likely to succeed than wetland creation and is preferred by EPA over wetland creation. We further recommend that forested wetland impacts, approximately 3.6 acres, and shrub wetlands, approximately 2.4 acres, be compensated for with in-kind mitigation. The potential mitigation sites, as listed, do not include any forested or shrub potential restoration sites.

Streams and Floodplains

We commend IDOT for alignment adjustments made to reduce impacts to streams and floodplains. We note that design features are routinely being planned for a 50-year flood level. We recommend these stream and floodplain crossings be redesigned taking forecast climate change and recent flooding history into consideration. Storm frequency and storm intensity have increased in recent decades. We believe these considerations may warrant using a 100-year or even 500-year flood level reference in designing stream protection and bridging/crossing structures.

Regarding stream impacts, Table 3-34 lists direct impacts to streams. Because these impacts include additional stream enclosures, the project must compensate for the proposed impacts. We recommend that the Tier 2 Final EIS include a more detailed description of the additional stream enclosures (i.e. total length of stream enclosed) and describe the proposed compensatory mitigation measures for these stream losses. Four of the potential wetland mitigation sites provided may also contain stream mitigation opportunities. EPA would support incorporating stream restoration on these sites. As we have stated at meetings, we would also support replacing culverts with three-sided natural bottom structures to reestablish a more natural watercourse under the roadway and to provide opportunities for stepped banking, thus providing wildlife paths of connectivity.

Riparian buffers along streams have important functions as noted on page 3-195. The referenced Sections 3-10 and 3-13 are not clear about how riparian impacts will be specifically mitigated. We recommend that even though the existing habitats are of low quality, their functions need to be reinstated. Specifically, we are concerned about the functions of providing cover for fish and wildlife, keeping streams cool, minimizing bank erosion and enhancing soil stability, contributing organic materials to the food chain, and providing areas of dappled sunlight environments for aquatic life forms. We believe these can be created without compromising the FAA safety requirements.

Stormwater Runoff

Discussion of the many sites where stormwater runoff will occur and how to manage these streams are still under way in our NEPA/404 merged meetings. The Tier 2 Final EIS should

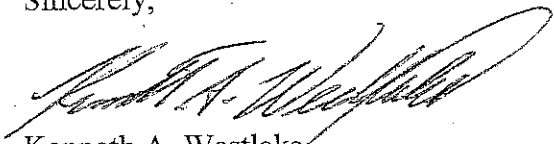
include a conclusive discussion of which IDOT best management practices (BMPs) will be utilized to attain both effective management of these waters, including pretreatment before discharging to waterways, and meeting FAA requirements for safety. As mentioned in the DEIS, we expect to participate in development of such a BMP plan.

MITIGATION of IMPACTS

We commend the DEIS preparers for their inclusion of Sections 3-21 and 3-22. Many impacts are appropriately addressed in the DEIS, including mitigation proposals. While Table 3-54 is very useful in identifying the possible impacts of the project build alternatives, we recommend that a similar summary table be included in future NEPA documents, clarifying each impact within categories, and providing sufficient information for each specific impact and associated mitigation to be identified and understood as to location, nature of what is impacted (i.e. size, quality, description, etc.), and the specifics concerning mitigation for that impact. Where appropriate, indicate any commitments to mitigation monitoring and maintenance, including goals, and indicate what entity will manage proposed adaptive management mitigations.

We appreciate the opportunity to review this document. If you have any questions, or wish to discuss our comments further, please contact me or Norm West of my staff at (312)-353-5692 or at west.norman@epa.gov.

Sincerely,



Kenneth A. Westlake
Chief, NEPA Implementation Section
Office of Enforcement and Compliance Assurance

Cc: Peter E. Harmet, IDOT
Shawn Cirton, U.S. Fish and Wildlife Service
Kathy Chernich, U.S. Army Corps of Engineers